

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DISTRICT**

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
vs.)	CASE NO. 4:15CV-181-JM
)	
)	
UNITED PAIN CARE, LTD. d/b/a)	
UNITED PHARMACY,)	
)	
Defendant/Third-Party Plaintiff)	
)	
vs.)	
)	
PAMELA HASTINGS WEST and)	
ALBERT RINCHUSO)	
)	
Third-Party Defendants)	

THIRD-PARTY PLAINTIFF’S MOTION IN LIMINE

COMES NOW Third-Party Plaintiff, United Pain Care, Ltd. d/b/a United Pharmacy, by and through its counsel, and for its Motion in Limine states:

(1) The trial of this matter is presently scheduled for October 10, 2017 on the issue of liability for indemnification.

(2) A trial was held on the liability of Defendants Mahmood Ahmad, M.D. and United Pain Care, Ltd., regarding the issue of violations of the Controlled Substances Act. After a trial by jury, Defendant Mahmood Ahmad was found not liable and the corporation was found liable due to the actions and omissions of its agents, Pamela West Hastings and Albert Rinchso.

(3) Because the issue of Mahmood Ahmad’s liability for violations of the Controlled Substances Act, and subsequent penalties therefore, has been resolved, any evidence relating to Mahmood Ahmad’s practice of medicine, including the prescriptions he wrote, complaints filed

against him by the Arkansas or Alaska Medical Boards, any “red flags” of potential diversion, and so forth, is irrelevant and inadmissible pursuant to Rules 401 and 403 of the Federal Rules of Evidence.

(4) The issue of the corporation’s liability, by and through its agents, is now *res judicata*. As a consequence, any evidence offered by third-party defendants relating to their actions, *i.e.*, that they properly handled the management and completion of inventory records, is inadmissible and excludable from evidence because those issues have already been determined by a jury, penalties assessed and judgment entered against the corporation. See, *Lane v. Peterson*, 899 F. 2d 737, 741-742 (8th Cir. 1990).

WHEREFORE, Third Party Plaintiff prays for an order of this Court granting its motion and for any and all other proper relief to which it may be entitled.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Samuel A. Perroni, do hereby certify that a true and correct copy of the above and foregoing has been sent to the following via electronic mail on this 29th day of September, 2017:

Mark Hampton
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Alex T. Gray
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/s/ Samuel A. Perroni
SAMUEL A. PERRONI